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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
)
NAM NGUYEN and)
JIMMY NGUYEN)
)
)
Defendants.)

No.: CR 07-289 RMW

PARTIES' STIPULATION AND
===== ORDER REQUESTING
THAT TRIAL DATE BE VACATED
AND FURTHER REQUESTING DATE
FOR CHANGE OF PLEA(S)

The parties stipulate and agree, and the Court finds and holds, as follows:

1. The parties are currently scheduled to appear before this court on Thursday September 24, 2009 at 2:00 p.m. for a pre-hearing conference. The trial date is currently set for October 5, 2009.

2. Plea agreements have been reached in these two matters. Accordingly, the parties respectfully request that the aforementioned dates be vacated and that the court select an appropriate date for entry of guilty pleas in these matters.

3. Counsel for defendants Nam Nguyen and Jimmy Nguyen have been contacted by government counsel and agree to this request.

1 4. The parties request that the court calendar this matter at the court's earliest convenience.
2 Counsel for Nam Nguyen is unavailable during the week of September 21, 2009. Accordingly,
3 the parties request that the matter be scheduled for October 2009 at the court's convenience. The
4 parties stipulate that the time between September 24, 2009 and the date set for entry of guilty
5 pleas, shall be excluded from the period of time within which the speedy trial must commence
6 under the Speedy Trial Act, 18 U.S.C. §3161 et. seq., pursuant to Title 18, United States Code,
7 Section 3161(h)(2)(G), since the court is considering the proposed plea agreements. It is
8 stipulated that the ends of justice outweigh the best interest of the public and defendants in a
9 speedy trial and the denial of the stipulation to continue the status hearing would unreasonably
10 deny the defendants reasonable time necessary for effective preparation of the defense.

11 SO STIPULATED.

12 Dated: September 16, 2009

Respectfully submitted,

14 /s/ Susan R. Jerich
15 SUSAN R. JERICH
Assistant United States Attorney

16 /s/ David C. Johnson, Esq.
17 Attorney for Nam Nguyen

18 /s/ Robert E. Carey, Jr., Esq.
19 Attorney for Jimmy Nguyen

20
21
22 SO ORDERED.

23 DATED: _ 9/23/09 _____

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25 
Honorable Ronald M. Whyte

26 **The Court sets a hearing for possible disposition on October 26, 2009 @ 10:00 am.**
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